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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)				
Office Action Comments	10/531,491	WARIS, HEIKKI				
Office Action Summary	Examiner	Art Unit				
	Andrew C. Lee	2419				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)⊠ Responsive to communication(s) filed on <u>08 De</u>	ecember 2008.					
	action is non-final.					
<i>i</i> —	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
		3 3.3. 2.3.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-18 and 22-34</u> is/are pending in the application.						
4a) Of the above claim(s) <u>19-21</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-18,22-34</u> is/are rejected.						
7) Claim(s) is/are objected to.						
· · · · ·	·					
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.05(a).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
TT) The path of declaration is objected to by the Ex-	anniner. Note the attached Office	ACTION OF IONITY TO-192.				
Priority under 35 U.S.C. § 119						
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: Certified copies of the priority documents have been received. Certified copies of the priority documents have been received in Application No Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application						
Paper No(s)/Mail Date 6)						

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DETAILED ACTION

Response to Amendment

1. Claims 19, 20, 21 have been canceled.

Claims 32, 33, 34 are newly added.

Claims 1 – 18, 22 – 34 are pending.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Regarding claim 22, the newly amended claimed subject matter "configured to detect a present location from <u>a source</u>" which is not disclosed and describe/support explicitly in the specification. Regarding claim 23, the newly amended claimed subject matter "configured to transfer information from <u>a source</u>and wherein <u>the source</u> to transfer ..." which is not disclosed and describe/support explicitly in the specification. Clarification and correction is required.

Claim Objections

3. Claims 28, 32, 33 objected to because of the following informalities:

Regarding claims 28, 32, 33, the claims are method claims. A method claim should consist of steps to perform. Hence, "A method comprising" should be modified as "A method comprising steps of:". Appropriate correction is required.

Regarding claim 23, the term "a source" should be corrected as "the source".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 22, 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Regarding claims 22, 23, the amended claimed-subject matter "a source" was not disclosed initially and described in the specification during the application was filed. Clarification is needed.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the gateway" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 2, the claimed subject matter "a gateway' is

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not clear. It is not clear to one of ordinary skill in the art that what is being claimed by the applicant which gateway, "a gateway' refers to. Does the applicant mean "a gateway" referring to a new gateway in the internal portion of the network of the external portion of the network, or "a gateway" referring to a first gateway or a second gateway. Clarification is required.

Claim 17 recites the limitation "the gateway" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claims 29, 34 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 29, 34, it not clear to one of ordinary skill in the art that where the preamble begins and ends aw well as the main body for the claimed subject matters. The claims do not indicate clearly where the preamble starts and ends, and the main body for the claimed subjects matters begins and ends. Clarification and modification are needed.

Claim Rejections - 35 USC § 103

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1 – 13, 15, 17 – 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakemizu et al. (US 20020018456 A1) in view of Lee et al. (US 20020085517 A1).

Regarding claim 1, Kakemizu et al. disclose a network (Fig. 1, Fig. 2, Fig 4) comprising: an internal secured portion ("VPN of IP sec." interpreted as internal secured portion; Fig. 2, para [0017], Fig. 25, para [0113]); an external portion ("public IP network" interpreted as an external portion; Fig. 2, para [0017], Fig. 25, para [0113]); at least one mobile node in the external portion element ("MN 1" interpreted as at least one mobile node in the external portion; paragraph [0017]); at least a first gateway (Fig. 2, "element 21 VPNGW(FA)" interpreted as the first gateway; paragraph [0017]); and at least a second gateway ("element 31 VPNGW(HA)" interpreted as a second gateway), where the internal secured portion connects via the first gateway and the second gateway to the external portion (Fig. 2, Fig. 4, VPN of IP sec." interpreted as internal secured portion, "element 21 VPNGW(FA)" interpreted as the first gateway, ("element 31 VPNGW(HA)" interpreted as a second gateway; Fig. 2, para [0017], Fig. 25, para [0113], and the network is configured to change the gateway, which the mobile node uses to communicate with the internal secured portion, from the first gateway to the second gateway in response to movement of the mobile node (paras.[0113], [0119] -[0121]). Kakemizu et al. also disclose care-of-address (para. [0100]).

Kakemizu et al. do not disclose explicitly in response to a receipt from the mobile node of a new care- of-address that is different from a first care-of-address.

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Lee et al. in the same field of endeavor teach in response to a receipt from the mobile node of a new care- of-address that is different from a first care-of-address ("using a newly allocated COA"; para. [0043]).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kakemizu et al. to include the features of in response to a receipt from the mobile node of a new care- of-address that is different from a first care-of-address as taught by Lee et al. One of ordinary skill in the art would be motivated to do so for providing a gatekeeper supporting a handoff in an IP telephony system (as suggested by Lee et al., see para. [0036]).

Regarding claim 2, Kakemizu et al. disclose a network as claimed further configured to transfer context information usable by a gateway in communications with the mobile node, to the second gateway (Fig. 25, paragraphs [0114], [0115]).

Regarding claim 3, Kakemizu et al. disclose a network as claimed wherein the context information includes an identifier of the mobile node ("care-of-address" interpreted as context information includes an identifier of the mobile node; paras [0004], [0100]).

Regarding claim 4, Kakemizu et al. disclose a network as claimed wherein the identifier is a home address of the mobile node *("home address"; paras [0004], [0100]).*

Regarding claim 5, Kakemizu et al. disclose a network as claimed wherein the context information includes material for defining secure communication means by which information is transferable securely between the mobile node in the external

portion of the network and the internal secured portion of the network, via the second gateway (paras [0017], [0024], Fig. 2, Fig. 27).

Regarding claim 6, Kakemizu et al. disclose a network as claimed wherein the secure communication means is a security association pair between the second gateway and the mobile node (Fig. 27, "position registration request message (HAR), and "position registration response (HAA)" interpreted as secure communication means is a security association pair; paras [0128], [0129).

Regarding claim 7, Kakemizu et al. disclose a network as claimed wherein the context information is transferred from a location that is physically separate from the first gateway ("element 23 AAAF"; Fig. 27, paras [0127], [0129]).

Regarding claim 8, Kakemizu et al. disclose a network as claimed further configured to transfer information to the mobile node for enabling communications between the mobile node and the second gateway (Fig. 27, para [0129]).

Regarding claim 9, Kakemizu et al. disclose a network as claimed wherein the information transferred to the mobile node enables secure communication means by which information is transferable securely between the mobile node in the external portion of the network and the internal secured portion of the network, via the second gateway ("elements "Reg Req 1, and Reg Rep 8 and authentication request message, AMR" interpreted as the information transferred to the mobile node enables secure communication means; Fig. 27, paras [0127]-[0129]).

Regarding claim 10, Kakemizu et al. disclose a network as claimed wherein the secure communication means is a security association pair between the mobile node

and the second gateway (Fig. 27, "position registration request message (HAR), and "position registration response (HAA)" interpreted as secure communication means is a security association pair; paras [0128], [0129]).

Regarding claim 11, Kakemizu et al. disclose a network as claimed wherein the information transferred to the mobile node comprises an address of the second gateway (Fig. 27, para. [0128]).

Regarding claim 12, Kakemizu et al. disclose a network as claimed wherein the information transferred to the mobile node is transferred between the first gateway and the mobile node using an existing security association between the mobile node and the first gateway (elements "Reg Req 1, and Reg Rep 8 and authentication request message, AMR" interpreted as the information transferred to the mobile node is transferred between the first gateway and the mobile node; Fig. 27, paras [0127]-[0129]).

Regarding claims 13, 15, Kakemizu et al. disclose a network as claimed wherein the second gateway comprises one or more databases which are updated to enable the internal secured portion of the network and the mobile node in the external portion of the network to communicate via the second gateway ("element 34 VPN database"; Fig. 27, paras [0128], [0129]).

Regarding claim 17, Kakemizu et al. disclose a network as claimed further configured to detection means for detecting a present location of the mobile node and initiate a change in the gateway through which the mobile node communicates with the internal secured portion of the network, from the first gateway to a better gateway

(element 33 AAAH" interpreted as the location detection means; Fig. 25, Fig. 26, paras [0119]-[0121).

Regarding claim 18, Kakemizu et al. disclose a network as claimed wherein the better gateway is better because it is either closer to the mobile node or it is optimal for routing existing sessions (Fig. 13, paras [0080], [0081]).

Regarding claim 22, Kakemizu et al. disclose a network as claimed further configured to detect a present location from a source that is separate from the first gateway ("element 33 AAAH" interpreted as configured to detect a present location from a source that is separate from the first gateway (VPHGW(HA) interpreted as first gateway); Fig. 25, Fig. 26, paras [0119]-[0121]).

Regarding claim 23, Kakemizu et al. disclose a network as claimed further configured to transfer information from a source that is physically separate from the first gateway and wherein the source to transfer information and the source to detect a present a present location are housed together (Fig. 6, paras [0071], [0072]).

Regarding claim 24, Kakemizu et al. disclose a network as claimed wherein the first gateway and the second gateway are in distinct physically separated segments of the network (VPNGW(FA) interpreted as first gateway which is located at roaming-contracted ISP network, and VPNGW(HA) interpreted as second gateway which is located at HOME ISP; Fig. 25, Fig. 26).

Regarding claim 25, Kakemizu et al. disclose a network as claimed wherein the mobile node communicates with the internal secured portion of the network via the first gateway and also via the second gateway simultaneously for a transition

period, before communicating via the second gateway only (*Fig. 26, paras [0120]- [0121]*).

Regarding claim 26, Kakemizu et al. disclose a network as claimed wherein the mobile node is involved in a session with a correspondent node (para [0128]).

Regarding claim 27, Kakemizu et al. disclose a network as claimed wherein the correspondent node is located in the internal secured portion of the network and the mobile node is located in the external portion of the network ("CN" interpreted as correspondent node is located in the internal portion of the network; "MN 1" interpreted as the mobile node is located in the external portion of the network; Fig. 2, Fig. 26).

Regarding claim 28, Kakemizu et al. disclose a method comprising: determining when a first serving gateway through which a mobile node communicates from an external portion of a network with an internal secured portion of the network, is suboptimal (*Fig. 13, paras [0080], [0081]*); identifying a second gateway ("reads the address of the VPNGW"; paras [0080], [0081]); and in response to the mobile node moving (Fig. 26, paras. [0119]), and transferring the point the gateway through which the mobile node communicates with the internal portion of the network from the first serving gateway to the second gateway (*Fig. 26, paras. [0119] – [0121]*), except sending a new care-of-address that is different from a first care-of-address to the first serving gateway.

Kakemizu et al. do not disclose explicitly sending a new care-of-address that is different from a first care-of-address to the first serving gateway.

Lee et al. in the same field of endeavor teach sending a new care-of-address that is different from a first care-of-address to the first serving gateway ("using a newly allocated COA"; para. [0043]).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kakemizu et al. to include the features of sending a new care-of-address that is different from a first care-of-address to the first serving gateway as taught by Lee et al. One of ordinary skill in the art would be motivated to do so for providing a gatekeeper supporting a handoff in an IP telephony system (as suggested by Lee et al., see para. [0036]).

Regarding claim 29, Kakemizu et al. disclose a mobile node (*Fig. 1, Fig. 2, Fig. 4*) configured to receive, via a first secure communication means, an identifier of a second gateway (*Fig. 27, paragraph [0128]*); and further configured to change from communicating with the internal secured portion of the network through the first gateway to communicating via the second gateway (*Fig. 27, paragraphs [0128]-[0129]*), except in response to moving and sending a new care-of-address that is different from a first care-of- address to the first gateway.

Kakemizu et al. do not disclose explicitly in response to moving and sending a new care-of-address that is different from a first care-of- address to the first gateway.

Lee et al. in the same field of endeavor teach in response to moving and sending a new care-of-address that is different from a first care-of- address to the first gateway.

("using a newly allocated COA"; para. [0043]).

by Lee et al., see para. [0036]).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kakemizu et al. to include the features of in response to moving and sending a new care-of-address that is different from a first care-of- address to the first gateway.

as taught by Lee et al. One of ordinary skill in the art would be motivated to do so for providing a gatekeeper supporting a handoff in an IP telephony system (as suggested)

Regarding claim 30, Kakemizu et al. disclose a mobile node as claimed further comprising means for using a first secure communication means by which information is transferable securely between the internal portion of the network and the mobile node via the first gateway, to receive the identifier of the second gateway (elements "Reg Reg 1, and Reg Rep 8 and authentication request message, AMR" interpreted as the information transferred to the mobile node is transferred between the first gateway and the mobile node; Fig. 27, paragraphs [0127]-[0129]);

Regarding claim 31, Kakemizu et al. discloses a mobile node as claimed further comprising means for using a second secure communication means to transfer information securely between the internal portion of the network and the mobile node via the second gateway (Fig. 27, "position registration request message (HAR), and "position registration response (HAA)" interpreted as means for using a second secure communication means; paragraphs [0128], [0129]).

Regarding claim 32, Kakemizu et al. disclose a method comprising:

moving in an external portion of a network, where the network comprises an internal secured portion, the external portion, at least a first gateway, and at least a second gateway; obtaining a location identifier (*Fig. 27, paragraphs [0128]-[0129]*), Kakemizu et al. also disclose where the location identifier comprises a care-of-address ("care-of-address"; para. [0100]).

Kakemizu et al. do not disclose explicitly where the location identifier comprises a new care-of-address different from a first care-of-address; sending the new care-of-address to the first gateway; and in response to receiving an acknowledgement from the second gateway, communicating via the second gateway.

Lee et al. in the same field of endeavor teach where the location identifier comprises a new care-of-address different from a first care-of-address; sending the new care-of-address to the first gateway; and in response to receiving an acknowledgement from the second gateway, communicating via the second gateway ("using a newly allocated COA"; para. [0043]).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kakemizu et al. to include the features of where the location identifier comprises a new care-of-address different from a first care-of-address; sending the new care-of-address to the first gateway; and in response to receiving an acknowledgement from the second gateway, communicating via the second gateway as taught by Lee et al. One of ordinary skill in the art would be motivated to do so for providing a gatekeeper supporting a handoff in an IP telephony system (as suggested by Lee et al., see para. [0036]).

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Regarding claims 33, 34, Kakemizu et al. disclose a method comprising and an apparatus configured to (Fig. 1, Fig. 2, Fig. 4): updating a location database in order to change an identification of a gateway that the mobile node uses to communicate from an external portion of the network to an internal secured portion of the network (paras. [0113], [0119]-[0121]), except receiving a new care-of-address that is different from a first care-of-address from a mobile node that has moved in a network.

Kakemizu et al. do not disclose explicitly receiving a new care-of-address that is different from a first care-of-address from a mobile node that has moved in a network.

Lee et al. in the same field of endeavor teach receiving a new care-of-address that is different from a first care-of-address from a mobile node that has moved in a network (para. [0043]).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kakemizu et al. to include the features of receiving a new care-of-address that is different from a first care-of-address from a mobile node that has moved in a network as taught by Lee et al. One of ordinary skill in the art would be motivated to do so for providing a gatekeeper supporting a handoff in an IP telephony system (as suggested by Lee et al., see para. [0036]).

8. Claims 14, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kakemizu et al. (US 20020018456 A1) and Lee et al. (US 20020085517 A1) as applied to claims 1, 13, 15 above, and further in view of Shapira et al. (US 7107464 B2).

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Regarding claims 14, 16, Kakemizu et al. disclose a network as claimed wherein the second gateway comprises one or more databases ("element 34 VPN database"; Fig. 27, paras [0128], [0129]).

Kakemizu et al. and Lee et al. do not disclose explicitly wherein the one or more databases are a security policy database and a security association database.

Shapira et al. in the same field of endeavor teach wherein the one or more databases are a security policy database and a security association database ("a security association database (SAD)"; col. 6, lines 47 – 54, "Security Policy Database (SPD)"; col. 14, lines 39 – 48).

At time the invention was made it would have been obvious to a person of ordinary skill in the art to modify the teachings of Kakemizu et al. and Lee et al. to include the features of wherein the one or more databases are a Security Policy Database and a Security Association Database as taught by Shapira et al. One of ordinary skill in the art would be motivated to do so for providing a mechanism for implementing virtual private networks (VPNs) incorporating a security association database and associated processor (as suggested by Shapira et al., see col. 1, lines 8 – 11).

Response to Arguments

9. Applicant's arguments filed on 12/08/2008 with respect to claims 1 - 9, 22 - 34 have been considered but are most in view of the new ground(s) of rejection.

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Regarding amended claims 1, 28, applicant argues that reference fails to disclose "the network is configured to change the gateway, which the mobile node uses to communicate with the internal secured portion, from the first gateway to the second gateway in response to movement of the mobile node and in response to a receipt from the mobile node of a new care- of-address that is different from a first care-of-address, see applicant's remark page 15, 17.

In response to Applicant's remark/argument, Examiner respectfully disagrees with the remark/argument addressed above since the new grounds of rejection set forth below clearly disclosed that the combined system of Kakemizu et al. and Lee et al. teaches the applicant claimed invention and subject matters.

Examiner interpreted "the network is configured to change the gateway, which the mobile node uses to communicate with the internal secured portion, from the first gateway to the second gateway in response to movement of the mobile node" as when the MN 1 of the user has moved between different domains 2 and 2', the user transmits a registration request (Reg Req) in a procedure(AAAH).....(AAAF),...., see reference Kakemizu et al., paras. [0119] – [0121], and interpreted in response to a receipt from the mobile node of a new care- of-address that is different from a first care-of-address as "using a newly allocated COA"; see Lee et al. para. [0043].

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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a) Jing et al. (US 7298847 B2).

- b) Xu et al. (US 6738362 B1).
- c) Amin et al. (US 6714987 B1).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew C. Lee whose telephone number is (571)272-3131. The examiner can normally be reached on Monday through Friday from 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edan Orgad can be reached on (571) 272-7884. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Andrew C Lee/ Examiner, Art Unit 2419 <2/09/2009:2Qy09>

/Edan Orgad/ Supervisory Patent Examiner, Art Unit 2419